

COASTAL CONSERVANCY

Staff Recommendation

April 18, 2013

CIES PROPERTY ACQUISITION AND COASTAL TRAIL PLANNING

Project No. 13-003-01

Project Manager: Peter Jarausch

RECOMMENDED ACTION: Authorization to disburse up to \$100,000 to the Mendocino Land Trust for coastal trail planning and to acquire the approximately 73-acre CIES property south of Point Arena, CA.

LOCATION: Mendocino County

PROGRAM CATEGORY: Public Access

EXHIBITS

Exhibit 1: [Project Location](#)

Exhibit 2: [Project Letters](#)

RESOLUTION AND FINDINGS:

Staff recommends that the State Coastal Conservancy adopt the following resolution pursuant to Sections 31000 et seq. of the Public Resources Code:

“The State Coastal Conservancy hereby authorizes the disbursement of an amount not to exceed seventy five thousand dollars (\$75,000) to the Mendocino Land Trust (“MLT”) for the acquisition of the CIES property south of the City of Point Arena, Mendocino County (Mendocino County Assessor’s Parcel Number 027-151-08), depicted in Exhibit 1 to the accompanying staff recommendation. The Conservancy further authorizes the disbursement to MLT of an amount not to exceed twenty five thousand dollars (\$25,000) for closing costs and to conduct trail planning for the CIES property and two adjacent bluff top easements to the south (Mendocino County Assessor’s Parcel No’s 027-341-07, 027-341-08). This authorization is subject to the following conditions:

1. Prior to the disbursement of any Conservancy funds for the acquisition, MLT shall submit for review and written approval of the Executive Office of the Conservancy (“the Executive Officer”):
 - a. All relevant acquisition documents, including but not limited to, appraisals, agreements of purchase and sale, escrow instructions and documents of title necessary to the acquisition of the property.

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- b. A signing plan for the project acknowledging Conservancy participation.
2. Prior to the disbursement of funds for trail planning activities, MLT shall submit for review and approval of the Executive Officer:
 - a. A work plan, budget and schedule for completion of the activities.
 - b. The names and qualifications of any contractors to be employed to carry out the work plan.
3. MLT shall pay no more than fair market value for the CIES property as established in an appraisal approved by the Executive Officer.
4. Conservancy funding shall be acknowledged by erecting and maintaining on the property a sign or signs, the design and placement of which have been approved by the Executive Officer.
5. In accordance with Public Resources Code Section 31116(b), MLT shall permanently dedicate the property for public access, open space, and habitat conservation, in a manner acceptable to the Executive Officer.”

Staff further recommends that the Conservancy adopt the following findings:

“Based on the accompanying staff report and attached exhibits, the State Coastal Conservancy hereby finds that:

1. The proposed project is consistent with the current Project Selection Criteria and Guidelines.
2. The proposed authorization is consistent with the purposes and objectives of Chapter 9 of Division 21 of the Public Resources Code, regarding public access to the coast.
3. MLT is a nonprofit organization existing under Internal Revenue Code Section 510(c)(3), and whose purposes are consistent with Division 21 of the Public Resources Code.”

PROJECT SUMMARY:

The proposed authorization would enable the Mendocino Land Trust (“MLT”) to acquire approximately 73 acres known as the CIES (California Institute of Environmental Studies) property located south of Point Arena in Mendocino County (see Exhibit 1), and would fund trail planning and permitting activities for a nearly 1.25 miles segment of new California Coastal Trail. The owner of the CIES property has indicated a willingness to sell the property to MLT and is committed to seeing the property protected for conservation and public access.

Acquisition of the CIES property is a critical step towards constructing the California Coastal Trail (“Coastal Trail”) along this section of Mendocino coast. The project will provide public access to the CIES property as well as facilitate the opening of two orphaned bluff top lateral public access easements to the south that were required as conditions of coastal development permits. The Moat Creek Managing Agency (“MCMA”) holds the two lateral access easements. There is currently no public access on the CIES property and no way for the public to gain access to the lateral access easements. Acquisition of the CEIS property would enable MLT to provide public access from Highway 1 west to the coast and along its bluff top; the public could then continue along the existing access easements to the south. The total length of the lateral bluff-top trail would be approximately .75 miles. MLT needs to complete trail planning before this

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trail could be constructed and opened to the public. Trail planning will consist of those activities necessary to complete permitting and environmental review for this section of Coastal Trail, including trail design, survey of the lateral easements to confirm their location, and botanical and archeological surveys to ensure the trail is designed to minimize any impacts on habitat. The trail design will strive to reduce impacts on natural resources while providing the public access to a stunning bluff-top section of the coast. Once the surveys and trail design are complete, MLT will prepare the coastal development permit application so that the Coastal Trail can be ready to move into the construction phase.

MLT, a non-profit organization that has completed numerous property acquisition, trail planning, and Coastal Trail construction projects in the recent past, is uniquely qualified to carry out this project. In addition, MLT conducted the regional Coastal Trail plan for this part of the Mendocino coast. MCMA has agreed to allow MLT to plan the trail within its lateral access easements and MCMA will manage the entire Coastal Trail segment once it is in place.

MLT will dedicate the property for open space and habitat conservation to continue the protections first placed on the property in 1977 (see site description). Public access, in the form of a trail and support structures needed for a trail, will be designed to be compatible with preservation of open space and habitat.

Site Description: The 73-acre CIES property is located between Highway 1 and the ocean and has never been developed. The property consists of two marine terraces the lower of which ends in a steep bluff edge overlooking the Pacific Ocean. The property is dominated by European grasses and chaparral. There is potential for Point Arena Mountain Beaver, a federally-listed endangered species, on the property and older burrows were found by MLT staff while on a site visit in 2011. Native bunch grasses were also seen in the northwest corner of the site in 2011. The property has been generally undisturbed, although periodically cattle from the property to the north have breached the fence and spent time grazing, reversing some of the restoration efforts undertaken by CIES.

In 1977 Katherine Tremaine, the former landowner, donated the property to CIES (formerly known as the Bodega Bay Institute for Environmental Education) with the intent that it be protected for nature study. CIES is located in Davis California and has kept the property undeveloped. Because of the distance between Davis and the Mendocino Coast, CIES has had a difficult time actively managing or restoring the property in recent years.

Project History: This project is a direct outcome of the Moat Creek to Arena Cove Coastal Trail Feasibility Study funded by a grant from the Conservancy to MCMA in 2007. The study examined the potential for Coastal Trail between Moat Creek on the southern end, and Point Arena to the north. CIES was contacted during the study and indicated a potential willingness to allow public access on the property.

After careful consideration the CIES board decided that selling the property to MLT would honor their commitment to keep the property protected while allowing public access to be managed by a local group, who can keep a close eye on the property. MLT would hold title to the property and MCMA has offered to steward the property. MCMA, located in nearby Point Arena, has successfully managed a nearby Coastal Conservancy-owned access point for the past 20 years and would be able to quickly respond to any issues taking place on the CIES property.

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PROJECT FINANCING

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| Coastal Conservancy | 100,000.00 |
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| Total Project Costs | 100,000.00 |
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The Conservancy's contribution to this project is expected to come from the FY 2007/08 appropriation from the Safe Neighborhood Parks, Clean Water, Clean Air, and Coastal Protection Bond Act (Proposition 12) allocated for resource development projects north of the Gualala River. Public Resources Code § 5096.352(c)(2). These funds are available for acquisition and development of coastal resources and public accessways. The proposed project is consistent with this funding source as it will result in acquisition of land and planning that will facilitate development of an additional bluff-top public accessway in Mendocino County. CIES intends to donate \$25,000 to MLT to create a long term stewardship fund for the property.

CONSISTENCY WITH CONSERVANCY’S ENABLING LEGISLATION:

The proposed project would be undertaken pursuant to Sections 31400 et seq. of Division 21 of the Public Resources Code.

Public Resources Code Section 31400 states the Legislature’s intent that the Conservancy have a principle role in the implementation of a system of public accessways to and along the state’s coastline. In the proposed project, the Conservancy funding would protect the coastal habitat while enabling the creation of a new section of California Coastal Trail for the public. The proposed funding authorization is thus consistent with Public Resources Code Section 31400.

Pursuant to Section 31400.1, the Conservancy may provide grants to nonprofit organizations to acquire and develop lands for public access to and along the coast. MLT is a nonprofit organization with a proven track record of planning and constructing the California Coastal Trail (“CCT”). The southern Mendocino coast is popular with international visitors driving Highway 1 as well as the many weekend visitors from the San Francisco Bay Area who are drawn to the rugged beauty of the coast. The proposed authorization will enable MLT to acquire a coastal bluff-top property that is needed for a segment of the CCT and to plan and seek permits for 1.25 miles of CCT on the newly acquired property and two adjacent properties. Thus, the proposed project is consistent with Section 31400.1.

The proposed project is also consistent with Public Resources Code Section 31400.2 which provides that the Conservancy may provide up to the total cost of the acquisition of interests in land and the initial development of public accessways by any nonprofit organization, as provided under Section 31400.1. Section 31400.2 requires that the amount of funding provided by the Conservancy for initial development of public accessways be determined by assessing the total amount of funding available for coastal public accessway projects, the fiscal resources of the applicant, the urgency of the project relative to other eligible projects, and the application of other factors prescribed by the Conservancy. Consistent with this section, the amount of the Conservancy funding for this project was determined based on the availability of other funds, the urgency and importance of this project, and the project’s eligibility and priority as determined by application of the Conservancy’s “Project Selection Criteria & Guidelines,” as discussed below.

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The proposed project is consistent with Public Resources Code Section 31400.3, which provides that the Conservancy may provide such assistance as is required to aid a nonprofit organization in establishing a system of coastal accessways. The Conservancy funding would include money both for acquisition and to plan and permit a new section of Coastal Trail.

In accordance with Public Resources Code Section 31116(b), the public interest in this project will be protected through the Conservancy's reservation of an interest in the land acquired by MLT.

The proposed project is consistent with the Mendocino County Local Coastal Program as described in the Consistency with Local Coastal Program Policies below.

CONSISTENCY WITH CONSERVANCY'S 2013 STRATEGIC PLAN GOAL(S) & OBJECTIVE(S):

Consistent with **Goal 1, Objective 1C** of the Conservancy's 2013 Strategic Plan, the proposed project will design a new approximately 1.25 mile long section of Coastal Trail.

Consistent with **Goal 1, Objective 1E and Goal 2, Objective 2G** of the Conservancy's 2013 Strategic Plan, the proposed project will assist in acquiring an interest in real property for the development of a section of the Coastal Trail, which section will constitute a new coastal accessway south of Point Arena.

CONSISTENCY WITH CONSERVANCY'S PROJECT SELECTION CRITERIA & GUIDELINES:

The proposed project is consistent with the Conservancy's Project Selection Criteria and Guidelines, last updated on November 10, 2011, in the following respects:

Required Criteria

1. **Promotion of the Conservancy's statutory programs and purposes:** See the "Consistency with Conservancy's Enabling Legislation" section above.
2. **Consistency with purposes of the funding source:** See the "Project Financing" section above.
3. **Support of the public:** See Exhibit 2, "Project Letters"
4. **Location:** The proposed project would be located within the coastal zone of Mendocino County.
5. **Need:** MLT is a small organization with limited resources, but it has become the leading entity implementing the Coastal Trail in Mendocino County. In order to undertake projects with statewide significance, such as development of the Coastal Trail, outside resources are required.

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6. **Greater-than-local interest:** The project will enable the design of 1.25 miles of new California Coastal Trail. Completion of the California Coastal Trail, and thereby improving public access, is a statewide goal.
7. **Sea level rise vulnerability:** The public access portions of the project are all on top of a coastal bluff at a minimum elevation of 140 feet. The project is therefore not subject to the impacts of sea level rise as the predicted increase by 2100 is well below this.

Additional Criteria

8. **Readiness:** CEIS is a willing seller and prepared to proceed with the sale of the property to MLT. In terms of the planning portion of the project, MLT has successfully completed many public access and trail planning projects in the past 5 years, and is prepared to move forward with this next segment of the Coastal Trail.
9. **Realization of prior Conservancy goals:** “See “Project History” above.
10. **Cooperation:** Two nonprofits are cooperating to make this proposed project successful. MLT is proposing to own the property and MCMA is willing to partner with them to help manage it. MLT brings its expertise in land transactions, trail planning and construction to the project. The MCMA holds both of the easements to the south of the CIES property and manages the Moat Creek Access and coastal trail just to the south of the proposed project, and is thus the logical entity to manage the future trail.
11. **Vulnerability from climate change impacts other than sea level rise:** The CIES property and the two properties on which the lateral access easement is located may be subject to coastal erosion from an increase in the frequency and severity of storms. The trail planning will take into account the potential for coastal erosion. Because the CIES property is vacant, the trail on the CIES property can be moved farther inland if significant bluff top erosion occurs. Both lateral easements can also move inland and there is sufficient space between the current bluff edge and any structures to allow for the trail to exist for the foreseeable future.
12. **Minimization of greenhouse gas emissions:** The proposed project planning will design future construction to incorporate measures to avoid or minimize greenhouse gas emissions to the extent feasible and consistent with the project objectives.

CONSISTENCY WITH LOCAL COASTAL PROGRAM POLICIES:

The project is consistent with the Coastal Element of Mendocino County’s General Plan as approved in 1985 by the Coastal Commission and revised in 1991. Specifically the plan refers to the Point Arena to Whisky Shoals trail that would run from the southern boundary of the City of Point Arena to Whisky Shoals, which is the present day Moat Creek access point. Policy 4.11-14 states, “Offers to dedicate easements for a lateral bluff accessway shall be acquired on those areas delineated on the Land Use Map, consistent with Policy 3.6-5.” Policy 3.6-5 indicates the County’s preference that access points be acquired through the purchase of property, which this project is proposing to do. This proposed project is included within the areas delineated on the Land Use Map (Map 25, Point Arena)

The proposed project is further consistent with Policy 3.6-6 which states that “Shoreline access points should be at frequent intervals rather than infrequent intervals for the convenience of both residents and visitors...”

COMPLIANCE WITH CEQA:

The proposed coastal trail planning project involves the preparation of designs, plans, studies, and permit applications and is thus statutorily exempt from the California Environmental Quality Act (“CEQA”) pursuant to 14 California Code of Regulations Sections 15262, which exempts projects that involve only planning and feasibility analyses for possible future actions that have not yet been authorized or approved by the Conservancy. Planning carried out as part of the project will, however, consider environmental factors, as required by Section 15262. In addition, to the extent that data collection and resource evaluation activities are conducted for this project, they are categorically exempt from CEQA pursuant to 14 California Code of Regulations Section 15306. This categorical exemption applies to activities that consist of basic data collection, research, experimental management, and resource evaluation activities which do not result in a serious or major disturbance to an environmental resource.

Acquisition of the CEIS property is exempt under 14 California Code of Regulations Section 15325, which exempts acquisition of land to preserve open space, and under Section 15313, which exempts acquisition of land for wildlife conservation purposes. Although a portion of the CIES property will be developed with a public trail, the plan for the property has not yet been prepared and when it is, development of the trail will be subject to CEQA. Therefore, the transfer of the property is also exempt pursuant to 14 California Code of Regulations Section 15316, which exempts transfers of land for creation of parks where the management plan has not yet been prepared.

Staff will file a Notice of Exemption upon Conservancy approval.